

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

INVOKANA PLAINTIFFS,

Plaintiffs,

v.

JANSSEN PHARMACEUTICALS, INC.,
et al.

Defendants.

:
: Civil Action Nos. [A list of all pending
: cases before this Court is
: attached hereto Exhibit A]
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: **CASE MANAGEMENT ORDER #3**
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THESE MATTERS having been assigned to the Honorable Brian R. Martinotti, U.S.D.J. on August 8, 2016, by the Order of Chief Judge Jerome B. Simandle, the Court having reviewed the individual docket, all pending motions, and having conducted prior case management conferences (“CMC”), and a CMC having been conducted on November 15, 2016, with the Honorable Lois H. Goodman, U.S.M.J. also presiding, counsel appearing, for good cause shown and for the reasons set forth on the record,

IT IS on this 15th day of November 2016,

ORDERED

I. ORDERS SINCE LAST CMC

A. Case Management Order (“CMO”) #2, entered October 5, 2016

B. Protective Order Regarding Confidential Information, entered November 4, 2016

II. COMPLIANCE WITH CMO #2

- A. Short Form Complaint (“SFC”) and Short Form Answer (“SFA”): Counsel will continue to meet and confer regarding a Master Complaint, SFC, Master Answer, and SFA, specifically discussing a procedure regarding allegations of fraud. [The parties have represented to the Court that they are close to an agreement regarding the Mitsubishi Tanabe defendant.]
- B. Plaintiffs’ Fact Sheet (“PFS”): The parties will continue to meet and confer, understanding that the PFS is contingent on an agreement in Section II(A).
- C. Defendants’ Fact Sheet (“DFS”): The parties will confer on a Defense Fact Sheet once the issue relating to foreign defendants is resolved.
- D. Preservation Order: The parties have met and conferred on a Preservation Order. The Defendants have represented that they are in compliance with the Federal Rules and applicable case law regarding preservation of materials and maintain there is no need for a formal order.
- E. ESI Order: The parties jointly submitted a proposed ESI Order on October 31, 2016.
- F. Parameters of Discovery: Janssen has made nine productions to date comprising over 400,000 documents and 3.8 million pages. The parties will be conferring on amendments to the search terms if needed and document productions.
- G. Case List: Attached to this CMC is an up to date list of the 54 Invokana cases pending in this Court.

III. CASE MANAGEMENT

A. Status of Invokana litigation:

1. District of New Jersey Cases: Cases filed since last CMC are noted with asterisk on the list attached hereto as Exhibit A.
2. Pending JPML Petition for MDL: JPML hearing scheduled for December 1, 2016 in Charlotte, North Carolina.
3. Other federal and state court cases: The Court has been advised that, since the last CMC, other cases have been filed in federal and state courts.

IV. DISCOVERY

- #### **A.**
- Judge Goodman shall preside over all discovery matters. All motions to seal shall be filed as omnibus motions.

V. GENERAL/SCHEDULING

- #### **A.**
- The next CMC is scheduled for January 12, 2016, at 11:00am. Liaison counsel shall appear at 10:00am.
- #### **B.**
- Counsel is required to submit a joint agenda five (5) days prior to the next scheduled conference, which shall include an up to date list of Invokana cases pending in this Court. If there are any disagreements as to the agenda, counsel shall set forth each party's position.
- #### **C.**
- Counsel may contact Judge Martinotti or Judge Goodman *ex parte* for the purpose of settlement discussions only.

D. Counsel is required to abide by Judge Martinotti's and Judge Goodman's submission and communication procedures, respectively, unless and until the Court so orders superseding rules for this litigation.

/s/ *Brian R. Martinotti*

BRIAN R. MARTINOTTI

UNITED STATES DISTRICT COURT

EXHIBIT A

List of cases pending before this Court a/o 11/15/16

| | |
|--------------------|--------------------|
| 15-8070 PUENTE | 16-5683 WILLIAMS |
| 16-1786 BENJAMIN | 16-5479 SARKISYAN |
| 16-1787 PARTINGTON | 16-5674 HUDSON |
| 16-1897 ANDERS | 16-5682 STRINGER |
| 16-1898 SWINNEY | 16-5676 KEMP |
| 16-1931 SEIFRIED | 16-5388 MULLIN |
| 16-2048 BOWLING | 16-5394 ERWAY |
| 16-2050 ROBERTSON | 16-5677 LUNA |
| 16-2278 HUMPRIES | 16-5383 JOHNSTON |
| 16-2361 GARCIA | 16-5681 POOLE |
| 16-2386 MILBURN | 16-5649 FELIX |
| 16-2938 KUNO | 16-5675 JAYJOHN |
| 16-3114 THOMPSON | 16-5696 WOOD |
| 16-3362 HENDERSON | 16-6049 MOREY |
| 16-3993 SCHNITZER | 16-6143 PUGA |
| 16-4024 WADDLE | 16-6183 SMITH |
| 16-4136 WARREN | 16-6192 SWEARINGEN |
| 16-4484 DESALIS | 16-6476 CHAFE |
| 16-4485 FOREHAND | *16-6760 ANDERSON |
| 16-4486 JACKSON | *16-7520 FIELDS |
| 16-4489 ROGERS | *16-7572 PLOTT |
| 16-4490 SUTHERLAND | *16-7591 MONOT |
| 16-6046 GREEN | *16-8004 REDMOND |
| 16-5940 SANDERS | *16-8007 BENTLEY |
| 16-5316 LEMKE | *16-8074 ARIS |
| 16-5478 ERVIN | *16-8132 BENNETT |
| 16-5645 BUCHANAN | *16-8133 NICHOLS |
| | *16-8134 WATTS |